(37)

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

Single Bench : Hon'ble Shri Justice Satish K. Agnihotri

WRIT PETITION NO. 1469 OF 2002

PETITIONERS

1. Jayanti Prabhakar Rao, S/o. Late Jayanti Narsinham Rao, aged about 43 years.
2. Pramod Kumar Agrawal, aged about 40 years.
3. Sharad Upadhyay, aged about 41 years.

All are resident of Lormi, District Bilaspur.

Versus

RESPONDENTS

1. The State of Chhattisgarh, through the Secretary, Department of School Education, Mantralay, D.K.S. Building Raipur (CG).
2. District Education Officer, Bilaspur (CG)
3. The Principal, Govt. Hr. Secondary School, Lakherah, District Bilaspur.
4. The Principal, Saraswati Shishu Mandir Lormi, District Bilaspur

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Present : Smt. Indira Tripathi, counsel for the petitioners.
Ms. Deepali Pandey, P.L. for the State.

O R D E R
(Passed on 5th April, 2007)

This petition is filed by the fathers of the children, who appeared in 8th Board Examination conducted by the Examination Board, for revaluation of the answer sheets of the children of the petitioners. The respondents No. 1 to 3 vide their return dated 27.06.2006 submitted as under :

> "2.....At that time the petitioners' children appeared in VIIIth Board Examination as a regular student from Saraswati Shishu Mandir, Lormi (C.G.) and thereafter result was declared and they could succeed. And after getting the mark sheet they applied for revaluation. Then

> the respondent No. 2 had received application for revaluation and thereafter District Education Officer has informed the petitioners that it is not possible to show answer sheet because the institution/school of respondent No. 4 was not selected in a list where random vidhi was provided. Even there is no provision for revaluation/recounting in class VIII[th] examination is provided, hence the petitioner has filed this petition against the rejection of revaluation application".

2) Learned counsel appearing for the petitioners is not in a position to controvert the same except that under provision of the Right to Information Act, the children of the petitioners have right to know marks and revaluation thereafter. She further submits that the petitioners have made representations to the Collector vide letter dated 08.05.2002 (Annexure P-6), to the District Education Officer vide letter (Annexure P-7), to the Collector vide letter dated 14.05.2002 (Annexure P-8) and vide letter dated 30.06.2002 (Annexure P-9). Ku. Smita Upadhyay daughter of Sharad Kumar Upadhyay (Petitioner No.3) has received a letter dated 18.06.2002 (Annexure P-10) from the District Education Officer, Bilaspur stating that the School has inbuilt system of revaluation by picking up 10% answer sheets. On revaluation, nothing irregular was found. Each and every answer sheet cannot be revaluated on the basis of the application made by the parents or by the students.

3) In the light of the clear submissions made by the respondents No. 1 to 3, it is evident that there is no provision for revaluation of answer sheets; in absence of any provision no direction can be issued for revaluation of the answer sheets. Even otherwise, the examination has taken place in the year 2002. Children of the petitioners must have reached to the higher classes and grant of revaluation at this stage, after a period of five years would be a futile exercise.

4) In view of the foregoing, the petition stands dismissed.

Sd/-
Satish K. Agnihotri
Judge